

**BEFORE THE DENTAL BOARD OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**JUSTIN G. HURST , D.D.S., RESPONDENT**

**HULL, IOWA**

\*\*\*\*\*

**STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER**

**(combined)**

\*\*\*\*\*

**COMES NOW** the Iowa Dental Board (the Board), and Justin G. Hurst, D.D.S. (Respondent), on September 13, 2013, and pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

**NOTICE OF HEARING**

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Statement of Charges, Settlement Agreement and Final Order.
2. Respondent was issued license number 08204 to practice dentistry in the state of Iowa on June 30, 2003.
3. Respondent's Iowa dental license is current and will expire on August 31, 2014.

## **LEGAL AUTHORITY AND JURISDICTION**

4. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 153 and 272C.

## **STATEMENT OF CHARGES**

### **SECTIONS OF STATUTES AND RULES INVOLVED**

#### **COUNT I**

5. Respondent is charged under Iowa Code Section 153.34(4) (2013) for permitting a person with a lapsed local anesthesia permit to provide local anesthesia in violation of 650 Iowa Administrative Code 30.4(19).

## **STATEMENT OF MATTERS ASSERTED**

6. A licensed dental hygienist may administer local anesthesia provided they have a local anesthesia permit issued by the Iowa Dental Board and have evidence of formal training approved by the Dental Hygiene Committee and conducted by a school accredited by the American Dental Association Commission on Dental Education.
7. Failure of a dental hygienist to renew a local anesthesia permit within sixty (60) days of its expiration causes the local anesthesia permit to lapse and become invalid. A dental hygienist whose local anesthesia permit becomes lapsed is prohibited from administering local anesthesia.
8. Respondent employed a dental hygienist whose local anesthesia permit had lapsed on November 1, 2009, and continued to administer local anesthetic until October 26, 2011.

## **SETTLEMENT AGREEMENT**

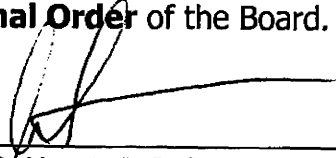
**THEREFORE, IT IS HEREBY ORDERED** that Respondent is hereby **CITED** for permitting a person with a lapsed local anesthesia permit to administer local anesthetic and **WARNED** that future violations may result in further disciplinary action.

9. Respondent agrees to submit a civil penalty in the amount of five hundred dollars (\$500.00) to the Iowa Dental Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa, to be deposited in the general fund.

## **FINAL ORDER**

10. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
11. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Settlement Agreement.
12. Respondent understands that by entering into this combined Statement of Charges, Settlement Agreement and Final Order, he cannot obtain a copy of the investigative file. Under Section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
13. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

14. Respondent acknowledges that he has the right to be represented by counsel in this matter.
15. Respondent understands that the Board will report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
16. This combined Statement of Charges, Settlement Agreement and Final Order becomes public record available for inspection and copying upon execution of this agreement in accordance with the requirements of Iowa Code Chapters 17, 22 and 272C.
17. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way whatsoever, to execute this Order.
18. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to approval of either party.
19. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
Justin G. Hurst, D.D.S.  
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on September 13, 2013.



STEVEN P. BRADLEY, D.D.S.

Chairperson

Iowa Dental Board

400 SW 8<sup>th</sup> Street, Suite D

Des Moines, IA 50309-4867

CC: Sara Scott  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319